

REGISTER

South Dakota Legislative Research Council



Volume 30

Monday, 8:00 a.m., July 14, 2003

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Revenue and Regulation: Real Estate Commission: (July 7, 2003) intends to adopt and amend rules to clarify licensing procedures, prescribe prelicense education course content requirements for a broker associate license; clarify the procedure for acquiring credit for an unapproved course, clarify timing of course approval; increase the duties authorized under an auctioneer's license; establish the time that an auction listing requires; and update materials incorporated by reference. The general authority for these rules, as cited by the commission, are SDCL 36-21A-30.1, 36-21A-31, 36-21A-34, 36-21A-89, and 36-21A-90.

A public hearing will be held in the Conference Room, Second Floor, Public Safety Building, 118 West Capitol, Pierre, South Dakota at 9:00 a.m. on August 20, 2003. A copy of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Real Estate Commission, 118 West Capitol, Pierre, SD 57501. Written comments must be received on or before August 19, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3600 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules: (None)

Attorney General Appointments:

The following were appointed Special Assistant Attorney General:

Ronald D. Olinger and firm, June 7, 2003
Kristine Kreiter O'Connell, July 7, 2003

Executive Appointments:

Deborah Bowman, Pierre, was appointed on July 9, 2003, to the **South Dakota Risk Pool Governing Board**, effective immediately and shall continue at the pleasure of the Governor.

Janet Griffin, Des Moines, Iowa, was appointed on July 9, 2003, to the **South Dakota Risk Pool Governing Board**, effective immediately and shall continue at the pleasure of the Governor.

David Hewett, Sioux Falls, was appointed on July 9, 2003, to the **South Dakota Risk Pool Governing Board**, effective immediately and shall continue at the pleasure of the Governor.

Jerry Hofer, Pierre, was appointed on July 9, 2003, to the **South Dakota Risk Pool Governing Board**, effective immediately and shall continue at the pleasure of the Governor.

Larry Kucker, Pierre, was appointed on July 9, 2003, to the **South Dakota Risk Pool Governing Board**, effective immediately and shall continue at the pleasure of the Governor.

Randy Moses, Pierre, was appointed on July 9, 2003, to the **South Dakota Risk Pool Governing Board**, effective immediately and shall continue at the pleasure of the Governor.

Damian Prunty, Pierre, was appointed on July 9, 2003, to the **South Dakota Risk Pool Governing Board**, effective immediately and shall continue at the pleasure of the Governor.

Karen Gunderson Olson, Rapid City, has resigned from the **State Arts Council**, effective June 30, 2003.

Legislative Appointments:

Representative Kent Juhnke, Vivian, was appointed to the **South Dakota Risk Pool Governing Board**, on July 3, 2003, effective immediately and shall expire on December 31, 2004.

Senator Duane Sutton, Aberdeen, was appointed to the **South Dakota Risk Pool Governing Board**, on July 8, 2003, effective immediately and shall expire on December 31, 2004.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

7-15-2003	Tourism and State Development: Board of Economic Development	Adopt rules to implement the Value Added Tourism Sub Fund; 29 SDR 181.
7-17-2003	Environment and Natural Resources: Board of Minerals and Environment	Update existing hazardous waste rules by incorporating the federal rules by reference; 29 SDR 163.
7-23-2003	Labor: Plumbing Commission	Adopt and amend rules regarding the plumbing installation certificate; 29 SDR 187.
7-24-2003	Revenue and Regulation: Division of Insurance	Adopt, amend, and repeal rules regarding reference updates; eliminate duplication and to change a cross-reference for group policies; repeal current grievance procedures and clarify the scope of certain requirements contained in HB 1047; clarify the term contract of more than six-month duration; amend rules regarding disability plans; 30 SDR 1.
7-24-2003	Transportation	Amend speed zones in Charles Mix, Marshall, and Roberts Counties and amend the extended period permit for movement of oversize or overweight vehicles to include baled solid waste; 30 SDR 1.
8-4-2003	Administration	Increase fees for publication of legal notices; 30 SDR 2.
8-6-2003	Revenue and Regulation: Business Tax	Amend rules to define the terms "commencement of the project", "prescription," and "medical device" to the uniform language of the Streamlined Sales Tax Agreement; amend what classes are exempt from tax; and clarify rules concerning the

		credit when tax is paid to another state if that tax was subsequently refunded to the taxpayer; 30 SDR 1.
8-11-2003	Agriculture: State Brand Board	Increase the ownership inspection fee by ten cent; 29 SDR 187.
8-20-2003	Revenue and Regulation: Real Estate Commission	Clarify licensing procedures and continuing education provisions; increase the duties authorized under an auctioneer's license and establish the time that an auction listing requires; and update materials incorporated by reference; 30 SDR 5.
8-21-2003	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt a rule concerning compensation for a reserve officer; 29 SDR 175.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 5, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: September 8, October 6, and November 19.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 29 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at MyLRC (<http://legis.state.sd.us/mylrc/index.cfm>).